

**IN THE DRAWINGS**

Please amend the drawings as indicated on the attached sheets.

**REMARKS**

The drawings have been objected to due to minor informalities. The drawings have been amended to obviate the Examiner's objection.

Claims 1-8 have been objected to due to minor informalities. The claims have been amended to obviate the Examiner's rejection.

Claims 1, 2 and 7-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809.

The Examiner's rejection is respectfully traversed.

The Applicant's invention as claimed is directed to a radiant electric heating element. The heating element includes a base plate, a first ceramic track printed on at least one face of the base plate and an electrically conductive heating track printed on the surface of the first ceramic track lying remote from the base plate. A second ceramic track printed on the heating track thus with the first ceramic track to surround and seal the heating track. Terminal means are connected to the heating track for connecting the same to a supply of electrical power.

Garaway'321 describes an electric resistance heater with a protective porcelain enamel coating applied over resistance heating elements on a base plate with a continuous coating of enamel. It does not show the application of a first or second ceramic track printed on the base plate and surrounding the heating track.

On the other hand, Demin '809 describes the use of silk screening to apply heating, insulating and protective layers to a support element though the use of silk screening. All of the layers are the same shape. There is no description of controlling or varying the precise geometry of the shapes of the layers beyond that which would be ordinarily expected by employing the same silk screening process for each layer.

There is no suggestion in either document that the teachings could be combined. The Demin'809 reference was filed in 1991, 33 years after Garaway'321 was issued. There is no suggestion or teaching in Demin'809 to combine the teachings of Demin'809 and Garaway'321, and thus, a man skilled in the art would not automatically combine the two references. Even if the teachings were combined, one skilled in the art would not arrive at the feature of the printed ceramic track on the base plate, with a second printed ceramic layer applied to surround the heating track.

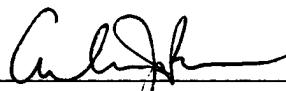
A case of obviousness exists when the prior art provides the motivation to make the claimed invention. The combination to read the invention as obvious requires supporting teaching in the prior art and a retrospective view of inherency cannot serve as a substitute for actual teaching or suggestion of prior art which supports the selection and use of various elements in particular claimed inventions. A retrospective view of inherency is not a substitute for some teaching or suggestion which supports the selection and use of the various elements in the particular claimed combination. It is impermissible within the framework of §103 to pick and choose from any one reference only so much as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference suggests.

Printing the tracks, as described by the Applicant, allows the base plate to be open and uncovered in places, unlike that disclosed in the prior art. By being partially uncovered in this way, the base plate itself can heat up more efficiently in the initial stages of heating and also itself can radiate heat towards the food stuff. This allows the present invention to be more efficient in the stages of heating. The tracks also provide the protection for the user from electric shock and protection for the heating elements from destruction.

In view of the foregoing, it is believed that the amended claims and the claims dependent there from are in proper form. The Applicant respectfully contends that Demin'809 and Garaway'321, do not anticipate the claimed invention under the provisions of 35 U.S.C. § 103(a). Thus, claims 1-9 are considered to be patently distinguishable over the prior art of record.

The application is now considered to be in condition for allowance, and an early indication of same is earnestly solicited.

Respectfully submitted,

  
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